

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 08**

THE AMERICAN NATIONAL RED CROSS

Employer

And

**TEAMSTERS LOCAL #507 a/w
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS**

Petitioner

Case 08-RC-275374

DECISION AND ORDER

Teamsters Local #507 a/w International Brotherhood of Teamsters (“Petitioner”) seeks to represent employees in the classifications of Volunteer Engagement Representative 1 (“Rep 1”) and Volunteer Engagement Representative 2 (“Rep 2”) (collectively, “Reps”), who are assigned to the Ohio North,¹ Ohio South, and Kentucky regions of The American Red Cross (“Employer”). Specifically, the Petitioner seeks to include the seven petitioned-for Reps within its existing unit of Donor Resource Development (“DRD”) Account Managers (“Account Managers”) based out of Cleveland, Ohio through an *Armour-Globe*² self-determination election. In the alternative, the Petitioner indicates a willingness to proceed to an election in a separate bargaining unit of the petitioned-for Reps.

The Employer objects to the petitioned-for unit for two primary reasons.³ First, it asserts that the petitioned-for Reps do not share a community of interest with the existing unit of Account Managers, who cover a portion of the Ohio North region and do not cover the Ohio South and Kentucky regions. Second, the Employer contends that the smallest appropriate unit of Reps is a nationwide unit of all 74 Reps it employs.

The Petitioner maintains that the petitioned-for Reps share a sufficient community of interest with the Cleveland-based Account Managers, arguing that both groups are part of the Employer’s Donor Services umbrella, share similar skills and functions, have regular contact, and are functionally integrated. Alternatively, Petitioner argues that the seven Reps in Ohio North,

¹ Also referred to in the record as the Northern Ohio Region.

² *Armour & Co.*, 40 NLRB 1333 (1942); *Globe Machine and Stamping Co.*, 3 NLRB 294 (1937).

³ The Employer moved to dismiss the instant petition, arguing the Petitioner’s withdrawal of its petition in Case 08-RC-273779 warranted 6 months’ prejudice to refiling. I denied the motion, as that petition sought a separate bargaining unit of Reps in Ohio North while the instant petition seeks a self-determination election to include the Ohio North Reps with Petitioner’s existing unit of Account Managers. Neither the Board’s Rules and Regulations nor extant Board law provide for prejudice when a petition is withdrawn prior to a preelection hearing or approval of an election agreement.

Ohio South, and Kentucky, who are commonly supervised by Volunteer Engagement Supervisor Kare Davis, have a sufficiently distinct community of interest from all other Reps employed by the Employer throughout the United States to constitute an appropriate multifacility unit.

A hearing officer of the National Labor Relations Board (“Board”) held a hearing in this matter, and the parties submitted post-hearing briefs. As explained below, based on the record and relevant legal precedent, I find that the petitioned-for Reps neither constitute an appropriate voting group nor share a community of interest with the existing unit of Account Managers, so an *Armour-Globe* self-determination election is not appropriate. I also find the alternate multifacility unit of Reps in the Employer’s Ohio North, Ohio South, and Kentucky regions do not possess a community of interest distinct from the excluded Reps and, thus, a standalone unit of the petitioned-for Reps is not appropriate. Accordingly, as Petitioner has not indicated a willingness to proceed to an election in any other unit, I am dismissing the petition.

I. FACTS

A. The Employer’s General Operations

The Employer is a federally chartered corporation that provides blood products, disaster relief, and training services throughout the United States. The record shows at least two main service areas—Humanitarian Services and Biomedical Services. The Biomedical (Blood) Services Mission Statement is to “fulfill the needs of the American people by providing our partners with safe, reliable, cost-effective and sustainable blood products and related services.” One way the Employer pursues this mission is by collecting blood products from individual donors at blood drives.

B. Blood Drives and Volunteers

The Employer operates two primary types of blood drives—fixed site and mobile. A fixed site is an Employer-controlled site (e.g., a Red Cross chapter building) that houses collection equipment and staff and where the Employer may run blood drives five days a week. A mobile drive is a sponsored event, where the Employer brings its equipment and staff to an offsite location (e.g., a school, local business, or community center) hosted by a sponsor.

All blood drives, whether fixed site or mobile, involve the same basic elements: donor registration, waiting area, blood donation, and donor monitoring, including a canteen that provides post-donation refreshments. The Employer utilizes volunteers for non-biomedical functions. However, volunteers are not necessary for the Employer to collect blood through a drive, and the Employer will not cancel a drive due to lack of volunteers. Volunteers greet donors and assist them with registration, direct donors through the physical space of the drive, and monitor and provide them with refreshments at the canteen. At a mobile drive, volunteers may also help with setup and takedown of nonmedical equipment (e.g., chairs and tables). Due to the ongoing pandemic, volunteers also monitor compliance with COVID-19 protocols (e.g., temperature checks, face coverings, social distancing) and sanitize nonmedical equipment. Relevant to the instant case, there are two types of volunteers—registered volunteers and sponsor volunteers.

Registered volunteers, also known as donor ambassadors, are part of the Employer's Donor Ambassador Program. They are called registered volunteers because they are registered in Volunteer Connection, a type of customer relationship management ("CRM") system maintained by the Employer. Volunteer Connection tracks information on all aspects of a registered volunteer—profile and contact information, successful background check, whether and which trainings have been completed, past shifts worked, current and future availability, and personal notes. Registered volunteers may perform nonmedical functions at both fixed site and mobile drives once they have passed the background check and completed the necessary training.

Sponsor volunteers are present only at mobile drives and are provided by the sponsor of the specific drive. They are not registered in Volunteer Connection.

C. Organizational Structure

The employees at issue in the instant petition work under the Employer's Donor Services umbrella, which falls within the Biomedical Services area. Since at least Autumn 2019, when the Employer went through a reorganization, Donor Services has generally been divided into six geographic divisions, which are further partitioned into smaller geographic regions.

Central Atlantic DC Maryland Delaware Greater Alleghenies Kentucky Ohio North Ohio South Virginia	North Central Illinois Indiana Michigan Minnesota Dakotas Nebraska Iowa Wisconsin	Northeast Connecticut Rhode Island Eastern New York Maine New Hampshire Vermont Massachusetts Northeastern Pennsylvania Penn Jersey Western New York
Pacific California Los Angeles Idaho Montana Northern California Coastal Northwest Southern California	Southeast and Caribbean Alabama Mississippi Eastern North Carolina Georgia Greater Carolinas South Carolina Tennessee	South West and Rocky Mountains Arizona New Mexico Kansas Oklahoma Missouri Arkansas North Texas Utah Nevada

Paul Sullivan is the Senior Vice President in charge of all Donor Services. Reporting to Sullivan are six Division Vice Presidents, one for each geographic division, and an Executive Director of Donor Services Operations, Amy Keen. The existing unit of Cleveland-based Account Managers falls under Central Atlantic Division Vice President Kelly High while the petitioned-for group of Reps is part of Biomedical Volunteer Workforce Engagement ("BVWE"), which falls under Executive Director Keen.

1. Volunteer Engagement Representatives

The National Director of BVWE is Joseph Patterson, who reports to Executive Director Keen and is responsible for executing the strategy of the Donor Services volunteer program. Patterson became National Director during the 2019 reorganization of the BVWE.

Underneath Patterson are six Volunteer Management Division Managers, one for each of the six geographic Donor Services divisions, and a Senior Manager of Operations.⁴ Each Division Manager oversees between two to three Volunteer Engagement Supervisors who, in turn, supervise between three to seven Reps covering their respective geographic regions. Director Patterson testified that BVWE is generally organized according to the same geographic areas as other Employer departments so they can more easily partner, interact, and support each other.

Specific to the self-determination petition, the seven petitioned-for Reps (five Rep 1s and two Rep 2s) covering the Ohio North, Ohio South, and Kentucky regions, which fall under the Central Atlantic Division, are supervised by Volunteer Engagement Supervisor Kare Davis.⁵ The record does not reflect the location of Davis' office or work space. Supervisor Davis reports to Central Atlantic Division Manager Courtney Roach. Steve Lovelace is the other Volunteer Engagement Supervisor in the Central Atlantic Division and supervises six Reps in the DC-Maryland-Delaware, Greater Alleghenies, and Virginia regions. Lovelace also reports to Roach.

2. Donor Resource Development ("DRD") Account Managers

Senior Vice President of Donor Services Sullivan oversees the Donor Services Vice Presidents for the six geographic divisions. The divisions are partitioned into smaller geographic regions (the same as BVWE), each of which is managed by a Regional Donor Services Executive ("RDSE"). The RDSE supervises the recruitment teams and the collections teams in their region.⁶ Each region is further divided into districts.

Bonnie Meridieth is the RDSE for the Ohio North region, which contains four districts—Cleveland East, Cleveland West, Cleveland Metro, and Toledo. She reports to Central Atlantic Division Vice President Kelly High, who reports directly to Senior Vice President Sullivan. Each recruitment team under RDSE Meridieth is headed by a District Manager, who is responsible for one of the four districts in Ohio North.

The existing unit of Cleveland-based Account Managers represented by the Petitioner encompasses three of the four districts in the Ohio North region—Cleveland East, Cleveland West,

⁴ The record contains minimal details on the Senior Manager of Operations beyond the role in Reps' new employee training.

⁵ At the time of the hearing, Davis supervised a Rep 1 based in Toledo who was set to transfer to another department (BVWE Scheduling) around Memorial Day. The record does not indicate if the Employer intends to replace the Toledo-based Rep 1.

⁶ Prior to the Employer's Autumn 2019 reorganization, the RDSE position did not exist and the recruitment teams and collections teams were managed separately.

and Cleveland Metro.⁷ There are approximately 19 employees in the existing unit. Notably, it does not include the approximately seven Account Managers who work in the Toledo district, who are currently represented by United Food and Commercial Workers Local 75. According to RDSE Meridieth, the Account Managers in the Ohio South and Kentucky regions are not unionized.

Meridieth testified that the recruitment teams and collections teams are the only functions that report through a “regional executive.” All other functions (i.e., Acquisition, Scheduling & Planning (“ASP”), Human Resources, Quality Assurance, Immunohematology Reference Laboratories (“IRL”), Manufacturing) report up through a national structure.

D. Employee Skills, Duties, and Working Conditions

1. Volunteer Engagement Representatives

Employees in the Rep 1 and Rep 2 positions are responsible for the training, scheduling, and engagement of certain of the Employer’s volunteers, primarily the registered volunteers in the Donor Ambassador Program.⁸ Director Patterson testified that one Rep can service between 150 to 450 registered volunteers, depending on their territory. For example, there are two Reps based in Cleveland; one Rep 1 covers 18 counties across the Ohio North and Ohio South regions while the other Rep 1 covers only Cuyahoga county, where Cleveland is located. According to Director Patterson, the Employer wants to have that “element in the community,” explaining the importance of having the Reps in the community where the volunteers are located. Although Reps are the primary point of contact for registered volunteers in their geographic district area, they do not recruit the volunteers. The Employer’s Humanitarian Services Volunteer Services Department handles recruitment of registered volunteers.

After a registered volunteer passes the background check, the Rep covering the volunteer’s location provides training through videos and e-mail.⁹ The Rep also reviews blood drive

⁷ I take administrative notice of the certification of representative and stipulated election agreement in Case 08-RC-153338, which shows a mail-ballot election was held from June 22 to July 6, 2015, pursuant to a stipulated election agreement approved on June 10, 2015. On July 30, 2015, Petitioner was certified as the exclusive collective-bargaining representative for the following appropriate unit:

All full-time and regular part-time Donor Recruitment Department Account Managers employed by the Employer from its facility located at 3747 Euclid Avenue; Cleveland, Ohio 44115, excluding all office clerical employees, confidential employees, professional employees, guards and supervisors as defined in the Act, and all other employees.

Article 23 of the parties’ current collective bargaining agreement reveals that the existing unit currently consists of Donor Recruitment Associates, Account Representatives, and Account Managers I, II, and III covering the Cleveland East, Cleveland West, and Cleveland Metro districts. Throughout the hearing, the parties referred to the classifications collectively as “Account Managers.” The contract does not indicate whether the unit certified in 2015 covered the same geographic area as set forth in the contract.

⁸ The record indicates Reps may have job duties and functions related to volunteer programs other than the Donor Ambassador Program. See Reps job profiles (Employer Exh. 6). However, it does not disclose the details of any other volunteer programs, including to what degree Reps are involved or what percentage of time Reps may spend working with them.

⁹ The record is unclear whether Reps performed in-person training before the COVID-19 pandemic.

procedures and protocols with the registered volunteer and assists them with scheduling their shifts. The level of support a Rep provides varies according to the needs of the registered volunteer. A Rep 1 testified that registered volunteers' familiarity and comfort with technology influences the assistance she needs to provide. She described how some of her registered volunteers still use flip phones and do not use e-mail while others are able to self-schedule using Volunteer Connection. Reps also handle reported deficiencies in the performance of their registered volunteers, including debriefing and retraining.¹⁰ All Reps nationwide have the same job description.

Patterson testified that Reps historically work normal business hours, Monday through Friday, out of the Employer's facilities, but most Reps have been working from home during the COVID-19 pandemic. Patterson testified that the Employer anticipates that all the Reps will return to their respective offices in the post-pandemic period.¹¹

A Rep 1 testified that prior to COVID-19, Reps were required to attend a certain number of blood drives. However, Division Manager Roach testified that the requirement that Reps attend blood drives was rescinded prior to the pandemic. Similarly, Director Patterson testified that Reps' attendance at blood drives was no longer a formal expectation and should be an uncommon occurrence.

According to Patterson, Rep 2s have the added responsibility of carrying leadership roles such as leading or piloting new programs within a region. A Rep 1 testified that Rep 2s supervised by Davis also function as the on-call rep,¹² which monitors a toll-free number where volunteers can leave voicemails. On-call reps are responsible for addressing any voicemails left on the system and returning calls outside of business hours and on weekends.

The Employer has a standardized wage grade structure for its entire organization that establishes wage ranges for particular positions, including adjustments for geography from 90% to 120% of the base rates. An employee's wage is determined by their grade, their location (geographic adjustment), and tenure (i.e., the number of merit increases they have received). Rep 1 is a Grade 9 non-exempt hourly position while Rep 2 is a Grade 10 exempt salary position.

The full range of hourly rates, including geographic adjustments, for a Rep 1 (Grade 9) is \$20.47 to \$45.52 with actual base wage rates falling between \$20.84 and \$28.82. All three Rep 1s in Ohio North make \$23.42 per hour, as does the Rep 1 in Ohio South, while the Rep 1 in Kentucky earns \$21.08 per hour. The record contains no evidence regarding the amount of overtime Rep 1s work. However, the Employer's employee handbook states overtime must be approved by management and unauthorized overtime may result in discipline up to termination.

¹⁰ As noted above, sponsor volunteers are provided by the sponsors of the specific mobile drive. The Reps have no role or relationship with the sponsor volunteers.

¹¹ It is noted the Employer's statement of position lists six Reps as permanently working from home, including a Rep 2 in Ohio North. The record does not reflect why those individuals are working from home on a permanent basis.

¹² The record suggests the on-call rep is not separate classification but a set of job duties that rotates among other classifications.

The annual salary range for a Rep 2 (Grade 10) goes from \$47,700 to \$105,960 based on location, with their actual base salaries falling between \$50,886 and \$64,236. Rep 2s cannot earn overtime. The Rep 2 in Ohio North and the Rep 2 in Ohio South both have annual salaries of \$54,590.

When the Employer budgets for merit increases in a given fiscal year, as it has done for the past several years, it issues universal eligibility standards and a merit matrix recommending the amounts of the increases and their distribution. Volunteer Engagement Supervisors recommend the merit increase amount for the Reps they supervise. Director Patterson testified that the Employer's system flags merit increases above the recommended amount—yellow for slightly above and red if it greatly exceeds the matrix recommendation. Patterson cannot exceed the total merit budget allotted to BVWE and will send flagged increases back to the “manager and subsequent, to some degree, the supervisors, and they need to make changes.” The record does not indicate if, or how frequently, Patterson has disagreed with a supervisor's recommended increase or approved individual merit increases that exceeded the matrix recommendation.

The Employer offers the same benefits to all nonunion employees, including all Reps. Benefits include a 401(k) savings plan, health insurance, paid time off (“PTO”), including holidays, and pre-tax commuter benefits.

The policies in the Employer's employee handbook cover all nonunion employees, including Reps. Among other things, the handbook provides that “[e]mployees are expected to dress appropriately based on their job requirements.... Additional information about any location's specific dress code policies can be obtained from your supervisor.”¹³ However, there is no record evidence regarding the dress code for the Cleveland or Toledo facilities, Supervisor Davis' team, or the Central Atlantic Division of BVWE.

The Employer does not require Reps to have a college degree.

2. DRD Account Managers¹⁴

The DRD¹⁵ Account Managers are part of the Donor Services recruitment team and responsible for expanding the Employer's blood program by recruiting new sponsor organizations and increasing the number of mobile blood drives by current sponsors.¹⁶ According to RDSE Meridieth, Account Managers need demonstrated sales abilities to be successful in the position. She testified that an Account Manager owns the relationship with their sponsors and all the

¹³ Employer Exh. 9.

¹⁴ Neither party called a current DRD Account Manager, or one in the existing unit, as a witness.

¹⁵ According to RDSE Meridieth, DRD stands for donor resource development; however, it is frequently referred to in the record as donor recruitment department.

¹⁶ As referenced earlier in the decision, during the hearing the parties referred to the classifications of Donor Recruitment Associates, Account Representatives, and Account Managers I, II, and III collectively as Account Managers. According to Meridieth, the Account Representative position is an entry level position. For clarity, the Donor Recruitment Associates, Account Representatives, and Account Managers will collectively be referred to in this decision as Account Managers.

ancillary duties associated with making their sponsors' mobile drives successful. They must enter information about the drive into the Employer's Hemasphere system, which tracks drives' details (e.g., location and time, blood collection goal, how many volunteers are needed) and integrates with Volunteer Connection and other Employer systems. Blood drive logistics and resource allocation—equipment, supplies, vehicles and staff (not volunteers)—are handled by the Employer's Acquisition Planning & Scheduling ("AP&S").

Account Managers also publicize their sponsors' drives and attend the drives as liaisons between the Employer and sponsor when their schedules permit. When at a mobile drive, the Account Manager speaks with the sponsor and makes sure the drive is set up correctly. At times, they may help facilitate the flow of donors during the blood drive.

According to RDSE Meridieth, Account Managers have worked from home for about two decades and spent about 75% of their time in the field prior to the ongoing COVID-19 pandemic. In the field, Account Managers "prospect" for suitable sites to hold mobile blood drives and for new sponsors. Meridieth testified that Account Managers make presentations to existing sponsors in order to increase their participation and the general public (e.g., high school students) about the importance of blood donation. The record does not disclose how much of Account Managers' current time is spent in the field or whether Account Managers can or ever do work out of the Employer's facilities.¹⁷

The existing unit of Cleveland-based Account Managers is covered by a collective-bargaining agreement between the Employer and Petitioner ("CBA") and a national addendum ("Addendum") between the Employer and the Coalition of American Red Cross Unions ("Coalition"),¹⁸ which includes Petitioner. The CBA provides for an annual salary of \$50,885.74 for all Cleveland-based Account Managers except the Account Manager III, which earns an annual salary of \$57,794.22. The Addendum establishes a monetary incentive plan for all union-represented Account Managers, including those in the existing unit, when certain monthly goals are reached. According to RDSE Meridieth, an Account Manager can make between \$2000 to almost \$4000 a month in incentive pay. The Addendum also provides for a healthcare plan separate from that offered by the Employer to nonunion employees. The Employer's 401(k) plan is available to all eligible employees covered by the Addendum. The terms in the CBA and Addendum supersede any terms in the Employer's employee handbook.

Account Managers do not clock in and out for work. Rather, they log their work activities in a Microsoft Outlook calendar. According to RDSE Meridieth, Account Managers' schedules fluctuate depending on their activities for the day. She noted that some blood drives start at 7:00 a.m. and some end at 7:00 p.m., so an Account Manager will adjust their schedule accordingly. Meridieth testified that Account Managers may work on weekends, particularly if a blood drive is occurring. While the Cleveland-based Account Managers have a different attendance policy than

¹⁷ The record does not contain the home addresses of any Account Managers.

¹⁸ The Coalition consists of approximately 50 local unions affiliated with nine international unions.

the Account Managers in Toledo, the record does not detail those differences nor does it indicate whether they stem from collective bargaining.

A college degree is not required for any of the Account Manager positions.

E. Management and Supervision

1. Volunteer Engagement Representatives

When there is an open Rep position, the immediate supervisor fills out a job requisition in the Employer's Workday system, which is the Employer's Human Resource information system ("HRIS"). Then the Employer's talent acquisition department works to fill the opening. All open positions are posted in a centralized, nationwide system. Once hired, a Rep goes through a three-part orientation, onboarding, and training process that was developed at the national level.¹⁹ First, the Rep goes through two days of new employee orientation ("NEO"), which is the same for all new hires at the Employer. Next, the Rep has two to three days of BVWE Operations Bootcamp, which is BVWE-specific training at the national level conducted by BVWE Senior Manager of Operations & Scheduling and the operations team. Finally, the Rep receives a week of introduction to their local territories and is taught the theory of their position by their supervisor and team. During the first 30 days, the Rep's supervisor should be doing regular check-ins and debriefings.

Division Manager Roach testified that she and Davis are responsible for ensuring that any standard or protocol that is issued at the national level is effectively carried out by the Reps in their division. Roach testified that after the 2019 reorganization, the BVWE shifted from a more regional focus to a more national focus. In addition, according to Roach, a process and strategy team was developed at the national level to establish processes to be executed at the divisional level. To the extent that Reps have questions about a protocol that Davis and Roach cannot answer, those questions go to Patterson. A Rep 1 testified that she implements national policies for the onboarding, training, and engagement of volunteers at the local level in the counties she covers.

The HR link on the Employer's SharePoint for one of the Rep 1s shows her "Team" as consisting of "Manager" Davis and the other Reps supervised by Davis, including those in Ohio North, Ohio South, and Kentucky, who are listed as "Coworkers."²⁰ A Rep 1 testified that Davis holds team meetings for all the Reps on her team, although the record does not indicate how often the team meetings occur.

Two Rep 1s from Ohio North testified that they have daily contact by telephone, text, or e-mail with Supervisor Davis. They also testified that they each have about six contacts with Manager Roach per year and that the only contact they have with Director Patterson are group e-mails and his presentations during monthly all-staff calls. According to Division Manager

¹⁹ A bullet point on the Employer's new employee onboarding slide suggests hiring may be done on the regional or divisional level. See Employer Exh. 5 ("Supervisor / Manager Notify BVWE Operations of Hire"). However, there is no other information in the record concerning hiring at the regional or divisional level.

²⁰ See Union Exh. 2.

Roach, at the time of the hearing, she had over one dozen “instances” of e-mails with each of the two Rep 1s in 2021 regarding how to move forward in certain situations.²¹

Manager Roach and a Rep 1 testified that Roach schedules monthly meetings with Reps and Supervisors in the Central Atlantic Division, but the meetings are cancelled when Roach is not available. According to Roach, she, Supervisor Davis, and Supervisor Lovelace all talk at the division meetings.

All Reps are evaluated according to the same set of nationwide goals and standards. According to a Rep 1, the only person she interacts with during her midyear and annual performance reviews is Supervisor Davis. The process consists of receiving the review; the Rep providing written comments and returning it to Davis; and Davis and the Rep discussing the review, with both making further notations if they desire. Finally, both Davis and the Rep sign the review. Manager Roach testified that she does not see Reps’ final midyear review but is in “constant contact” with Davis about both midyear and annual reviews, meets with Davis biweekly about her Reps’ performance, and discusses Reps’ performance with Davis before the reviews are sent to the Reps. Roach also has access to Reps’ reviews in the Employer’s Workday system. The record does not indicate if Roach tells Davis what ratings to give Reps, changes ratings given by Davis, or otherwise completes or modifies Reps’ reviews. Director Patterson testified that he ultimately approves the annual reviews for all Reps. However, the record is again silent on whether Patterson has ever made suggestions for, or changed, a review.

According to Director Patterson, a Rep’s direct supervisor or manager monitors the Rep’s performance and behavior and works “closely” with the Human Resource partners²² to determine steps of progressive discipline, including termination. Patterson is then notified of the decision and “work[s] with the manager to understand the situation and ultimately give [his] agreeance or ... ask[s] the person to go back and reevaluate.” Patterson did not provide any examples of discipline or indicate whether he has ever disagreed with a supervisor’s or manager’s disciplinary decision.

A Rep 1 testified that PTO requests are approved by Supervisor Davis, but Reps must find someone to cover their duties when they are off. The record indicates that when Supervisor Davis is on PTO, her duties are covered by the on-call rep or Supervisor Lovelace.

2. DRD Account Managers

There is minimal evidence on the hiring or onboarding process for Account Managers, or who has the authority to discipline Account Managers. According to RDSE Meridieth, the Recruitment Process Support team annually sets performance goals for the Account Managers throughout Donor Services. The Employer establishes universal fiscal year goals and performance metrics that apply to all Account Managers. However, the record does not indicate how the Employer evaluates their performance against those goals. Meridieth further testified that the

²¹ The Employer did not offer these e-mails as record evidence.

²² The record is not clear on whether this is the Employer’s internal Human Resources Department or external third-party human resources partners.

Recruitment Process Support team provides monthly seminars and training to Account Managers, but gave no details or examples.

The record does not disclose at what level policies and procedures for the Account Managers are developed or at what level they are implemented. RDSE Meridieth testified that there are some regional policies for Account Managers, but then clarified they are suggestions based on “account mix.” She gave the pre-COVID example of Account Managers making 15 face-to-face calls in a week to their sponsor. Meridieth also testified that there were district-level expectations, but she did not provide any details. When asked about division policies, Meridieth gave the volunteer team lead program as an example of a division-level or higher suggestion. However, Meridieth did not provide details of the program and noted it was not implemented in Ohio North due to the smaller size of her districts.

RDSE Meridieth testified that she holds monthly meetings for her employees in Ohio North. The record fails to disclose the frequency or type of contact an Account Manager has with their District Manager or RDSE, including the usual topics of their communications. It is not known who approves PTO for the Account Managers or if they substitute for District Managers when they are absent.

F. Functional Integration of Business Operations, including Employee Interchange

1. Volunteer Engagement Representatives

According to Director Patterson, BVWE operates using a cross-pollination philosophy, whereby Reps share ideas and best practices across the geographic divisions. Specifically, Patterson implemented BVWE-specific Microsoft SharePoint sites and Teams channels, monthly all-staff meetings, Open Mic calls, and focus groups.

Director Patterson uses Microsoft Teams for mandatory monthly all-staff meetings, which include all Reps, Supervisors, and Division Managers. According to Patterson, registered volunteer members and lead volunteers are also permitted to attend the meetings. Patterson testified that participants can share best practices and brainstorm solutions to work-related problems. He also uses the monthly meeting as a conduit for protocols, performance metrics, and other topics. Patterson also established a specific BVWE team in Microsoft Teams with separate channels for general work discussion, recognizing employee work accomplishments (“GLOW and shout out”), and sharing personal stories. It also has a SharePoint site, which acts like a BVWE repository, providing access to documents such as protocols and PowerPoint decks for meetings. For example, the all-staff monthly meeting PowerPoint decks from July 2020 to April 2021 show Patterson and other managers and supervisors leading topics involving protocols and reviewing Key Performance Indicators (“KPIs”). Reps led some GLOW and shout outs and an intercultural communication topic.

Reps are also invited to Open Mic calls, where Patterson and other BVWE managers and supervisors discuss protocol changes and new protocols and programs. The record does not reveal

how often Open Mic calls occur or how often, or to what degree, Reps participate in Open Mic calls.

Reps also participate in focus groups. According to Director Patterson, focus groups involve a Rep from each geographic division discussing a particular topic. For example, the first set of three focus groups dealt with the core elements of onboarding, training, and engagement of volunteers. A Rep 1 testified that she was part of the engagement focus group and she submitted her engagement procedure to the group, which reviewed it, and “ran with it.”

A Rep 1 testified that she “work[s] closely” with the other Reps supervised by Davis “all the time” and that they are her biggest resource in doing her work. She also testified that another Rep supervised by Davis was the one who trained her. The same Rep indicated that, apart from the required national and divisional Rep meetings, she only has contact with Reps who are not supervised by Davis when there has been a specific request. She provided the example of when she was solicited to be on a focus group along with a couple of occasions when a Rep from Supervisor Steve Lovelace’s team contacted her about how she was handling a situation. According to another Rep 1, she had communicated directly with Reps outside of the those supervised by Davis only about four times over the nearly three-year period of her employment. However, this same representative testified that about 70% of her communications were with volunteer services, account managers, and volunteers, and only about 30% of her communications were with other Reps on her team.

Manager Roach testified that in 2019, she mentored the North Central Division Manager, who had staffing shortages at the time. During at least a four-month period in 2019, two of the Reps on Supervisor Davis’ team each performed work covering Michigan and Indiana, which are regions in the North Central Division. A Rep 1 further testified that the Employer held a retreat for Reps from Central Atlantic Division and Reps from North Central Division. However, the record does not reveal how many Reps attended, including how many from each division, or what transpired at the retreat. According to another Rep 1, she assisted one of the interdivisional Reps with their transportation program and has shared her onboarding and training documents with Reps outside of Supervisor Davis’ team.

According to Manager Roach, there are currently two instances of ongoing volunteer sharing with Reps on Supervisor Davis’ team. Volunteer sharing is where two Reps, who have adjoining territories, use each other’s volunteers close to the border to ensure all volunteers are being engaged and all drives are covered. For example, volunteers in the Kentucky Rep’s counties close to Tennessee are scheduled and work nearby blood drives in Tennessee. The first instance involves the petitioned-for Rep in the Kentucky region sharing volunteers with the Rep in the Tennessee region, which is part of the Southeast and Caribbean Division. According to Roach, the Rep from Kentucky communicates with the two Reps in Tennessee and their supervisor, Honwan Byrd. Second, a petitioned-for Rep in Ohio South shares volunteers with a Rep in Indiana, which is in the North Central Division. Roach stated the Rep from Ohio South works together “on occasion” with the Indiana Rep and her supervisor.

As noted above, Reps on Supervisor Davis’ team must get their own coverage when they take PTO. According to two Rep 1s, they have only covered for or been covered by other Reps

supervised by Davis. Manager Roach testified that Reps could get “lead volunteers” to cover their job functions when they are on PTO, but that the Reps on Supervisor Davis’ team have not yet trained lead volunteers in those functions. According to an Ohio North Rep 1, Reps do not have de facto access to information outside of their geographic region and they must be granted access in order to cover or otherwise perform work for another region. She gave the example of having to get access when she covered the Kentucky region.

The record does not indicate that there have been any permanent transfers of Reps from one region or division to another. In addition, there is no evidence that Reps have ever temporarily or permanently transferred to the position of Account Manager.

2. DRD Account Managers

As noted above, Account Managers enter the details of their sponsors’ mobile blood drives into Hemasphere, which passes certain information into Volunteer Connection. Multiple witnesses gave the example of an Account Manager signaling a need for registered volunteers in Hemasphere, which was then visible to Reps using Volunteer Connection.

A Rep 1 testified that she receives requests from 10 Account Managers across both Ohio North and Ohio South. She gave an example of donors being shifted from a cancelled blood drive to another scheduled drive and communicating with the Account Manager on whether additional volunteers were needed due to the increased donors.²³ She gave another example of an Account Manager reaching out about an upcoming drive to confirm it would be fully staffed with volunteers.

A different Rep 1 testified that she communicates with Account Managers “every day, every other day ... a couple times a week, to talk about the blood drives, talk about the volunteers that are going to be at the blood drive.” She further testified that Account Managers report back to Reps about their registered volunteers. The record is not clear as to the location of the Account Managers with which the Rep 1 regularly communicates.

Account Managers and Reps have a monthly 15-minute planning call, where they discuss volunteer priorities for the mobile blood drives scheduled for the upcoming three months.

The record contains no evidence of an Account Manager ever temporarily or permanently transferring to a Rep position. In addition, there is no evidence in the record that Account Managers cover or substitute for one another.

²³ Division Manager Roach testified that the Employer’s Acquisition Planning & Scheduling team emails a SCOOP distribution list, including the BVWE team, when a blood drive is cancelled. The Employer did not introduce any such e-mails and the record does not indicate who is on the SCOOP list or if all Reps receive an e-mail every time a drive is cancelled, regardless of whether it is in their territory, region, or division.

G. Geographic Proximity

1. Volunteer Engagement Representatives

As noted above, the seven petitioned-for Reps are all the Reps who work for Supervisor Davis. Historically, Ohio North contains four Reps—two Reps based in the Employer’s Cleveland facility, one based in the Employer’s Toledo facility,²⁴ and one working from home. Ohio South contains two Reps, both based out of the Employer’s facility in Columbus, Ohio. Finally, Kentucky has one Rep based out of the Employer’s Louisville facility. The record suggests all seven Reps have worked from home during the COVID-19 pandemic. However, as addressed above, it is expected that Reps will return to their respective offices in the post-pandemic period. The distance between the Employer’s Cleveland and Toledo facilities is approximately 119 miles by road.²⁵ It is 351 miles from the facility in Cleveland to the facility in Louisville. The Employer’s Cleveland and Columbus facilities are 143 miles from one another.

The chart below shows the distances between Employer facilities. Gray designates both facilities house petitioned-for Reps. White shows one facility with a petitioned-for Rep and the nearest facility with an excluded Rep.

Toledo	Detroit	67 miles
Cleveland	Toledo	119 miles
Louisville	Indianapolis, IN	121 miles
Cleveland	Detroit	173 miles
Columbus	Huntington, WV	137 miles
Cleveland	Columbus	143 miles
Columbus	Indianapolis	182 miles
Cleveland	Johnstown, PA	196 miles
Louisville	Huntington, WV	197 miles
Columbus	Louisville	209 miles
Cleveland	Louisville	351 miles

2. DRD Account Managers

The existing unit of Account Managers represented by Petitioner work from home. However, they spent about 75% of their time performing work in the field before the ongoing COVID-19 pandemic. There is no record evidence disclosing what geographic territory encompasses any of the Donor Services recruitment districts, including the represented Account Managers in Ohio North region (Cleveland East, Cleveland West, Cleveland Metro, Toledo) and the Account Managers in the Ohio South and Kentucky regions.

²⁴ As noted above, the Rep 1 working out of the Toledo facility was scheduled to transfer out of the Rep position around Memorial Day.

²⁵ See generally *Bud Antle, Inc.*, 359 NLRB 1257, 1257 fn. 3 (2013) (taking administrative notice of distance between two cities based on Google Maps), reaffirmed and incorporated by reference 361 NLRB 873 (2014).

H. Bargaining History

1. Volunteer Engagement Representatives

The record contains no evidence that the Reps have ever been represented, any union has ever sought to represent a group of Reps, or that any union other than Petitioner currently seeks to represent Reps.

2. DRD Account Managers

The existing unit of Account Managers in the Employer's three Cleveland districts has been represented by Petitioner since 2015. It is not known how long the Account Managers in the Toledo district have been represented by United Food and Commercial Workers Local 75. The record evidence suggests units of Account Managers are based on urban areas.

There is no record evidence of a combined unit of Account Managers and Reps.

I. Extent of Union Organization and Employee Choice

There is no record evidence to show whether Petitioner has attempted to organize Reps outside of Supervisor Davis' team.

II. *ARMOUR-GLOBE* SELF-DETERMINATION

A. Board Law

The Petitioner seeks a self-determination election to allow the seven petitioned-for Reps to be included in the existing unit of Account Managers—generally known as an *Armour-Globe* election.²⁶ A self-determination election is the proper way for an incumbent union to add unrepresented employees to its existing unit if the employees the union wishes to be included share a community of interest with current unit employees and “constitute an identifiable, distinct segment so as to constitute an appropriate voting group.” *Warner-Lambert Co.*, 298 NLRB 993, 995 (1990) (citing *Capital Cities Broadcasting Corp.*, 194 NLRB 1063 (1972)). Whether a voting group is an “identifiable, distinct segment” is not the same question as whether the voting group constitutes an appropriate unit. *St. Vincent Charity Medical Center*, 357 NLRB 854, 855 (2011) (citing *Warner-Lambert*, 298 NLRB at 995). The distinct-and-identifiable analysis asks merely whether the voting group sought unduly fragments the workforce or constitutes an arbitrary segment of unrepresented employees. *Capital Cities Broadcasting*, 194 NLRB at 1064; see also *Dillon Cos., Inc. v. NLRB*, 809 Fed.Appx. 1, 2 (D.C. Cir. 2020) (unpublished opinion).

²⁶ *Armour & Co.*, 40 NLRB 1333 (1942); *Globe Machine and Stamping Co.*, 3 NLRB 294 (1937).

Thus, the petitioning party must demonstrate, though evidence or Board-defined presumption,²⁷ that: (1) the combined unit of currently-represented and petitioned-for employees shares an internal community of interest and is appropriate; and (2) the employees voting for inclusion are a distinct-and-identifiable segment.

Where the result of a self-determination election is a multifacility unit, the Board considers the following community-of-interest factors: (1) similarity in employees' skills, duties, and working conditions; (2) centralized control of management and supervision; (3) functional integration of business operations, including employee interchange; (4) geographic proximity; (5) bargaining history; (6) the extent of union organization and employee choice. *Exemplar, Inc.*, 363 NLRB No. 157, slip op. at 3 (2016) (citing *Clarian Health Partners, Inc.*, 344 NLRB 332, 334 (2005); *Bashas', Inc.*, 337 NLRB 710, 711 (2002); *Alamo Rent-A-Car*, 330 NLRB 897, 897 (2000)). The Board also considers whether the petitioned-for unit corresponds to an administrative grouping or division of the employer. *Ibid.* See also *FreshPoint Southern California, Inc.*, 28-RC-252613 at fn. 3 (June 18, 2020) (unpublished) (citing *Exemplar*, above, slip op. at 3, 6). Differences that result from collective bargaining should be afforded less weight. *AMR of Maricopa, LLC*, 28-UC-223664 and 28-RM-234875 at 6, fn. 7 (July 10, 2020) (unpublished) (citing *Public Service Co. of Colorado*, 365 NLRB No. 104, slip op. at 1 fn. 4 (2017); *Frontier Telephone of Rochester, Inc.*, 344 NLRB 1270, 1273 fn. 12 (2005) (then-Member Liebman, concurring); *Oxford Chemicals, Inc.*, 286 NLRB 187, 188 fn. 5 (1987)); see also *NLRB v. Klocko Equipment Rental Co.*, 657 Fed.Appx. 441, 448 (6th Cir. 2016) ("to deny [an employee's] request to join the collective-bargaining unit based on differences that exist because [he] is not covered by the collective-bargaining agreement would defeat the purpose of the NLRA").

B. Application of Board Law to This Case

As discussed below, the petitioned-for Reps of Supervisor Davis' team do not share a community of interest with the existing unit of Cleveland-based Account Managers. Even assuming the petitioned for Reps and existing unit of Account Managers shared a community of interest, the petitioned-for Reps are not a distinct-and-identifiable segment that constitutes an appropriate voting group. Thus, the petitioned-for *Armour-Globe* election is inappropriate.

1. Community of Interest

Similarity in employees' skills, duties, and working conditions

The similarity or dissimilarity of work skills has some bearing, along with the nature of any work performed, in deciding on the appropriateness of a multifacility unit. *Exemplar*, 363

²⁷ The Board has long held certain units have an inherent community of interest and are, therefore, presumptively appropriate. See, for example, *Hilander Foods*, 348 NLRB 1200, 1200 (2006) (finding single-facility unit presumptively appropriate); *Deposit Telephone Co., Inc.*, 328 NLRB 1029 (1999) (finding a systemwide unit in a public utility presumptively appropriate); *Greenhorne & O'Mara, Inc.*, 326 NLRB 514, 516 (1998) (finding employer-wide unit presumptively appropriate); *Haag Drug Co.*, 169 NLRB 877 (1968) (finding a single-store unit in the retail industry presumptively appropriate).

NLRB No. 157, slip op. at 3, 4 (2016); *Greenhorne & O'Mara, Inc.*, 326 NLRB 514, 516 (1998); *Cheney Bigelow Wire Works, Inc.*, 197 NLRB 1279, 1280 (1972). The record evidence shows the petitioned-for Reps and the Cleveland-based Account Managers possess a similarity of skills and duties only in the broadest sense—both maintain relationships and engage with third parties as part of their job duties. Reps are responsible for establishing a competent and consistent volunteer workforce while Account Managers focus on the details of mobile blood drives, ensuring up-to-date and accurate information is in Hemasphere, and publicizing blood donation and their sponsors' drives to reach blood collection goals.

Working hours, pay rates, the nature of the company's operations, and all other terms and conditions of employment are factors in this area of unit determination. While national policies and programs found in the Employer's employee handbook generally apply to all employees, Reps and Account Managers have dissimilar pay rates and structures. Supervisor Davis' Reps 1s receive hourly compensation of \$21.08 and \$23.42 per hour and her Rep 2s earn an annual salary \$54,590. On the other hand, Cleveland-based Account Managers make \$50,885.74,²⁸ plus incentive pay that their RDSE estimates ranges from \$24,000 to nearly \$48,000 per year. Further, Reps typically work regular business hours while the working hours of Account Managers are flexible. Account Managers historically spend 75% of their time in the field. On the other hand, Reps generally work at the Employer's facilities and are not required to attend blood drives.

Based on the foregoing and the record as a whole, I find that the factor of employees' skills, duties, and working conditions weighs against finding a combined unit of the Reps covering Ohio North, Ohio South, and Kentucky and Cleveland-based Account Managers is appropriate.

Centralized control of management and supervision

The Board has cited to the application of identical personnel and labor relations policies, particularly when determined at the employer's principal office, in support of a multifacility determination. *Exemplar*, 363 NLRB No. 157, slip op. at 5; *Budget Rent-A-Car Systems*, 337 NLRB 884, 885 (2002). Similarly, administrative integration of the employer's operations under unified control and centralized control of labor relations are factors given significant weight in favor of a multifacility unit. *Universal Metal Products Corp.*, 128 NLRB 442, 444-445 (1960). Additionally, whether employees at different facilities share common supervision is a consideration where more than one facility is involved. *Exemplar*, above; *Alamo Rent-A-Car*, 330 NLRB 897, 898 (2000). The Board also considers whether supervision retains significant local autonomy over daily personnel and operational decisions; local autonomy of operations militates toward a separate unit. *Bashas', Inc.*, 337 NLRB at 712; *Hilander Foods*, 348 NLRB 1200, 1202-1205 (2006).

Here, the record shows separate supervisory structures for the Reps and Account Managers until the highest level of management, Senior Vice President Sullivan. The record also reveals Reps have BVWE-specific policies and procedures that are developed at the national level.

²⁸ The record does not indicate whether any existing unit employees are Account Manager IIIs, who would make \$57,794.22 per year.

However, the record is silent as to any distinctive policies and procedures for Account Managers or at what level those policies are developed.

The record evidence does not establish local autonomy of operations for a combined unit of Reps on Supervisor Davis' team and Cleveland-based Account Managers overseen by three different District Managers and RDSE Meridieth. The two groups clearly fall under separate supervisory structures notwithstanding some geographic overlap. Thus, I find the factor of centralized control of management and supervision weighs heavily against finding the petitioned-for multifacility unit is appropriate.

Functional integration of business operations, including employee interchange

The functional integration of two or more facilities in substantial respects may weigh heavily in favor of a more comprehensive unit, but it is not a conclusive factor. Conversely, a lack of functional integration between two or more petitioned-for locations may be offset by other factors favoring a single unit of employees encompassing both locations. *Audio Visual Services Group, LLC*, 370 NLRB No. 39, slip op. at 3 (2020) (citing *Panera Bread*, 361 NLRB 1236, 1236 fn. 1 (2014); *Verizon Wireless*, 341 NLRB 483, 485, 490 (2004); *Bashas'*, 337 NLRB at 711; *Alamo Rent-A-Car*, 330 NLRB at 898).

Here, the record shows some functional integration between the petitioned-for Reps and Cleveland-based Account Managers inasmuch as the Reps provide registered volunteers who work at the Account Managers' mobile blood drives. However, this is offset by the fact that the integration is not distinct to the petitioned-for unit. The evidence indicates the petitioned-for Ohio South and Kentucky Reps do not deal with the Cleveland-based Account Managers. In addition, Ohio North Reps provide registered volunteers to the mobile drives of Account Managers in Toledo, who are represented by another union, and Account Managers in Ohio South, who are unrepresented. In addition, the Reps provide registered volunteers to fixed site drives, which are not associated with any Account Managers.

With respect to employee interchange and contact, I must consider employee interchange and contact in the total context. *Exemplar*, 363 NLRB No. 157, slip op. at 5; *Alamo Rent-A-Car*, 330 NLRB at 898. I acknowledge that the record here intimates evidence of regular contact between the Reps and Account Managers. However, it does not distinguish between contact with Cleveland-based Account Managers in the existing unit and Account Managers in Toledo or Ohio South or even Kentucky. Further, there is no evidence of employee interchange between the petitioned-for Reps and Cleveland-based Account Managers. Given the above and the entire record, I find that the factor of functional integration and employee interchange and contact weighs strongly against finding the petitioned-for self-determination election for a multifacility unit is appropriate.

Geographic proximity

Geography is frequently a matter of significance in resolving multifacility unit scope issues. *Dixie Belle Mills, Inc.*, 139 NLRB 629, 632 (1962). Generally, facilities which are in close

proximity to one another are distinguished from those which are separated by meaningful geographical distances. *Ibid.* However, geographically dispersed facilities may be found appropriate when other factors weigh in favor of the multifacility unit having its own distinct community of interest. See, for example, *Macy's West, Inc.*, 327 NLRB 1222, 1223 (1999) (finding multifacility unit covering three states appropriate despite 579 miles between farthest facilities due to similar skills, duties, and working conditions, common supervision, monthly interchange, and the area conforming to an administrative division of the employer); *Barber-Colman Co.*, 130 NLRB 478, 479 (1961) (holding multifacility unit must include fourth facility located 43 miles from three facilities in the same city based on similar skills and working conditions, functional integration of operations, and centralized management of labor matters); see also *NLRB v. Klockho Equipment*, 657 Fed.Appx. at 441 (finding multifacility self-determination election appropriate despite 111 miles between facilities based on similar working conditions and employee interchange); *Capital Coors Co.*, 309 NLRB 322, 325 (1992) (denying review of Regional Director's decision finding a two-facility unit appropriate even though the locations were 90 miles apart).

In the instant case, the petitioned-for Reps are based out of Cleveland, Columbus, Louisville, and Toledo, and one who works from home.²⁹ The distance between the Cleveland and Toledo facilities is approximately 119 miles while there are 351 miles between Toledo and Louisville. However, the distance between the Toledo facility and the Detroit facility, which is located in the Employer's Michigan region (and North Central Division), is only 67 miles and at least six other Employer facilities with excluded Reps are less than 200 miles from the nearest facility with a petitioned-for Rep. Moreover, some petitioned-for Reps are hundreds of miles from the Cleveland-based Account Managers. Given the petitioned-for Reps are nearly twice as far from each other as they are from other excluded Reps and Account Managers (located in other regions and divisions), I find the factor of geographic proximity weighs against finding the petitioned-for self-determination for a multifacility unit is appropriate.

Bargaining history

The pattern of bargaining plays a significant role in all phases of unit determination, including the resolution of questions pertaining to multifacility unit scope. See, for example, *Exemplar*, 363 NLRB No. 157, slip op. at 6 (affirming "prior bargaining relationship has little relevance due to intervening 4-year period" in multifacility analysis, citing *Capital Coors*, 309 NLRB at 325; *Esco Corp.*, 298 NLRB 837, 839-840 (1990)).

There is no collective-bargaining history for the Reps. However, the record evidence reveals that the Account Managers, at least those in Ohio North, are organized according to urban area or Employer facility despite working from home, with the existing Cleveland-based unit represented by Petitioner and the Toledo-based unit represented by United Food and Commercial Workers Local 75. Therefore, I find this factor weighs slightly against the appropriateness of the petitioned-for multifacility unit.

²⁹ The record does not contain the address of the one Rep 2 in Ohio North who permanently works from home.

Extent of union organization and employee choice

As there is no record evidence of the extent of union organization, I find this factor is neutral.

Whether the petitioned-for unit corresponds to an administrative grouping or division of the employer

In its decisions on multi-facility units, the Board has repeatedly emphasized that such units should correspond to employers' administrative groupings. *See, e.g., Exemplar, Inc.*, 363 NLRB No. 157 (2016) (finding petitioned-for unit appropriate because it embraced all the Employer's facilities in San Francisco, supervised by a regional manager, and thereby corresponds to a distinct administrative grouping); *Alamo Rent-A-Car*, 330 NLRB 897, 898 (2000) (finding the petitioned-for unit of two of the employer's facilities in the San Francisco area not to be appropriate where, inter alia, "[t]he proposed unit [did] not conform to any administrative function or grouping of the Employer's operations.")

The combined unit of Reps and Account Managers does not conform to any of the Employer's administrative groupings or divisions. As noted above, the existing unit of Cleveland-based Account Managers appears to have been established on geography, specifically urban area, as it does not encompass the entire Ohio North region. Instead, Petitioner represents Account Managers in the three Cleveland-based districts but does not represent the Toledo district, whose Account Managers are members of a different labor organization. Second, the petitioned-for Reps cover more than Cleveland and Toledo³⁰ and more than Ohio North,³¹ encompassing the additional regions of Ohio South and Kentucky. Third, Reps are in a separate part of the Employer's organizational structure from Account Managers. Thus, this factor weighs heavily against finding a self-determination election to add the Reps under Supervisor Davis to existing unit.

Conclusion regarding community of interest factors

I have carefully weighed the community-of-interest factors and find that there is insufficient evidence of a community of interest between petitioned-for Reps and the employees in the existing unit. While the two groups may have some functional integration in supporting mobile blood drives and some of the same basic skills, the differences far outweigh similarities. Differences between the two groups' working conditions stem not just from the CBA and Addendum covering the existing unit, but from the two groups' separate organizational and supervisory structures. In addition, there is no centralized control of management except at the highest level, Senior Vice President Sullivan. Further, the lack of interchange and the geographic

³⁰ As addressed earlier in the decision, the Rep 1 based out of Toledo was set to transfer out of the Rep 1 position around Memorial Day. However, the record does not indicate Toledo would no longer be covered by Reps in Ohio North.

³¹ Even a Rep 1 based out of Cleveland testified that a portion of her 18-county territory is in Ohio South.

proximity of the facilities involved weigh against finding that the petitioned-for self-determination for a multifacility unit is appropriate.

2. Distinct and identifiable segment

Even assuming the petitioned-for Reps share a community of interest with the existing unit of Account Managers, the record fails to show that the employees sought to be included “constitute an identifiable, distinct segment so as to constitute an appropriate voting group.” *Warner-Lambert*, 298 NLRB at 995. In examining whether a voting group constitutes a distinct-and-identifiable segment, the Board considers factors similar to those in a community-of-interest analysis, including separate supervision, geographic separation of work areas, lack of integration with employees in other segments in the performance of ordinary job duties, skills or functions distinct from other employees, and whether the group includes all employees in an administrative division. See generally *Birdsall, Inc.*, 268 NLRB 186, 190 fn. 12 (1983) (citing *A. Harris & Co.*, 116 NLRB 1628, 1632 (1956)).

Here, while all of the petitioned-for Reps work under Supervisor Davis, I find that they are an arbitrary segment and would unduly fragment the workforce. Supervisor Davis is the lowest-level supervisor for Reps, and she oversees the Ohio North, Ohio South, and Kentucky regions.³² The seven Reps that Petitioner seeks to include with its existing unit of Cleveland-based Account Managers are scattered in multiple locations, including Cleveland, Columbus, Louisville, and Toledo. Some of the petitioned-for Reps are nearly twice as far from each other as they are from other excluded Reps. In addition, the smallest consistent administrative division known for Reps is the Central Atlantic Division, which there are six excluded Reps working in the Central Atlantic Division who are separately supervised by Supervisor Lovelace. The record fails to indicate any distinct skills or functions performed by the petitioned-for Reps as compared to the excluded Reps, particularly those working elsewhere in the Central Atlantic Division.

On balance, the evidence shows the petitioned-for Reps are an arbitrary segment of the Employer’s employees.

III. ALTERNATE UNIT OF VOLUNTEER ENGAGEMENT REPRESENTATIVES

Petitioner has expressed a willingness to proceed to an election in an alternate standalone unit of the Reps under Supervisor Davis—those in Ohio North, Ohio South, and Kentucky. Having considered the Parties’ arguments and the record evidence, I find that such a multifacility unit is inappropriate under Board law.

A. Board Law

The Board evaluates the appropriateness of a multifacility unit based on a variant of the traditional community-of-interest test, examining the following factors: (1) employees’ skills, duties, and working conditions; (2) centralized control of management and supervision; (3)

³² The record is silent on whether the geographic regions overseen by Volunteer Engagement Supervisors ever change.

functional integration of business operations, including employee interchange; (4) geographic proximity; (5) bargaining history; and (6) the extent of union organizing and employee choice. *Audio Visual Services Group, LLC*, 370 NLRB No. 39, slip op. at 3 (2020) (citing *Laboratory Corp. of America Holdings*, 341 NLRB 1079, 1081–1082 (2004)); *FreshPoint*, 28-RC-252613 at fn. 3 (June 18, 2020) (unpublished) (citing *Exemplar*, 363 NLRB No. 157, slip op. at 3, 6 (2016)). An additional consideration is whether the petitioned-for unit corresponds to an administrative grouping or division of the employer. *FreshPoint*, 28-RC-252613 at fn. 3 (June 18, 2020) (unpublished) (citing *Exemplar*, 363 NLRB No. 157, slip op. at 3, 6 (2016)). “An appropriate multifacility unit is one that has a ‘distinct’ community of interest from the excluded facilities.” *Audio Visual Services*, 370 NLRB slip op. at 3 (citing *Laboratory Corp.*, 341 NLRB at 1082; *Acme Markets, Inc.*, 328 NLRB 1208, 1209 (1999)).³³ See also *Panera Bread*, 361 NLRB at 1236 fn. 1 (2014); *Montefiore Hospital & Medical Center*, 261 NLRB 569, 575 (1982).

The Board’s single-facility presumption only applies if the underlying petition seeks employees in a single facility. Where, as here, the unit consists of multiple facilities, there is no presumption to be overcome. *Exemplar*, 363 NLRB slip op. at 3; see also, *Hazard Express, Inc.*, 324 NLRB 989, 989 (1997) (citing *NLRB v. Carson Cable TV*, 795 F.2d 879, 886-887 (9th Cir. 1986); *Capital Coors Co.*, 309 NLRB 322, 322 fn. 1 (1992)). The question is simply whether the petitioned-for unit is an appropriate one, as the Act does not require a unit for collective bargaining be the only appropriate unit or even the most appropriate unit. *Audio Visual Services*, 370 NLRB slip op. at 3 (citing *PCC Structural, Inc.*, 365 NLRB No. 160, slip op. at 12 (2017)); *Wheeling Island Gaming, Inc.* 355 NLRB 637, 637 fn. 2 (2010) (citing *P.J. Dick Contracting*, 290 NLRB 150, 151 (1988); *Overnite Transportation Co.*, 322 NLRB 723, 723 (1996)). More than one appropriate bargaining unit usually can be defined from any particular factual setting. *Bergdorf Goodman*, 361 NLRB 50, 51 (2014).

B. Application of Board Law to This Case

Considering all of the multifacility, community-of-interest factors as they apply to the alternate unit of seven Reps in Ohio North, Ohio South, and Kentucky supervised by Davis, the evidence fails to show that the Reps in Davis’ regions share a community of interest distinct from Reps in excluded regions. Instead, I find that the employer-wide unit of all Reps proposed by the Employer is appropriate.³⁴ However, as Petitioner has not indicated a willingness to proceed in a nationwide unit, I will order the instant petition to be dismissed.

³³ The Board reemphasized the multifacility community-of-interest analysis requires a “distinct” community of interest from excluded facilities following its delineation of the 3-step analysis for the traditional community of interest in *Boeing Co.*, 368 NLRB No. 67 (2019).

³⁴ The record evidence is inconclusive as to whether any other grouping of Reps would constitute an appropriate unit.

Similarity in employees' skills, duties, and working conditions

The record shows all Reps have the same skills and perform the same duties, although Rep 2s have additional responsibilities including leading certain projects, acting as on-call reps, and occasionally covering the absences of Volunteer Engagement Supervisors. All Reps have access to centralized information and communications systems through Microsoft SharePoint and Teams. They all utilize the same software to manage volunteers.

In the pre-pandemic period, substantially all Reps were expected to work at one of the Employer's offices and all Reps across the country have the same work hours. All Reps are expected to meet work goals and are evaluated based on their ability to meet these goals. All of the Employer's nonunion employees, including Reps, are covered by the policies in the Employer's employee handbook, including PTO and other benefits. The Employer has a single compensation plan applicable to all Reps, with set geographical differentials based on labor costs in different markets.

As none of the skills, duties, or working conditions are specific to the Reps in the regions supervised by Davis, I find this factor weighs against finding the alternate unit appropriate.

Centralized control of management and supervision

In examining supervision, most important is the identity of employees' supervisors who have the authority to hire, fire, or discipline employees (or effectively recommend those actions) or to supervise the day-to-day work of employees, including rating performance, directing and assigning work, scheduling work, and providing guidance on a day-to-day basis. *Executive Resources Associates*, 301 NLRB 400, 402 (1991); *NCR Corporation*, 236 NLRB 215 (1978). While the record identifies Supervisor Davis with the title of supervisor for Ohio North, Ohio South, and Kentucky, it lacks the specific detailed evidence required to show she is a supervisor under Section 2(11) of the Act. For example, the record contains minimal evidence regarding the hiring, firing, and discipline of Reps, including those under Davis. While the record shows that Davis approves her Reps' PTO and completes their performance reviews, it does not reveal whether she uses independent judgment in so doing. Given the dearth of details regarding the level at which supervisory indicia exist, the evidence fails to indicate centralized control of management and supervision or local autonomy for the three-region group of Ohio North, Ohio South, and Kentucky. However, even assuming Davis is a Section 2(11) Supervisor, the evidence fails to indicate that Davis has any significant degree of local autonomy for the three-region group of Ohio North, Ohio South, and Kentucky.

First, there is centralized control over the 74 Reps through Patterson. As discussed above, since the reorganization, Director Patterson and others at the national level have developed and implemented policies and procedures for the 74 Reps. No divisional managers or regional supervisors have the authority to create their own operational policies separate from those

established nationally. District Managers and supervisors are responsible for ensuring that standards and protocols which are issued at the national level are implemented locally.

In addition, Human Resources is centralized. When there is an open Rep position, the immediate supervisor fills out a job requisition and the Employer's talent acquisition department works to fill the opening. All open positions are posted in a centralized, nationwide system. There is no evidence that local supervisors have any involvement in the hiring process. In addition, new Reps are oriented at the national level first by Human Resources and then by the Senior Manager of Operations and Scheduling, who reports directly to Patterson. From there, the new Rep is trained on their local territory by their district manager and regional supervisor.

Finally, all Reps are evaluated twice per year, based on work goals that are applicable to all Reps nationwide. The evidence disclosed that Roach, as the Division Manager, provides Davis with input into the evaluations of the 7 Reps under Davis. In addition, merit increases and evaluations are approved by Patterson. While there is little evidence in record regarding discipline, Patterson testified that he reviews disciplinary decisions, including terminations, and either agrees or asks the supervisor or manager to reevaluate.

Based on the above, I find this factor weighs against finding the alternate unit to be appropriate.

Functional integration of business operations, including employee interchange

Testimony from two of the Reps suggests that they have limited contact with Reps who are not supervised by Davis. However, other than the conclusionary testimony from a Rep that she work[s] closely" with the other Reps supervised by Davis "all the time," the record does not reflect the degree or frequency of contact among the petitioned-for Reps. In addition, another Rep testified that the majority of her communications are with volunteer services, account managers, and volunteers. While a Rep 1 testified that Davis holds team meetings for all the Reps on her team, the record does not indicate how often the team meetings occur. Moreover, the record reflects that Manager Roach holds monthly meetings with the two supervisors and all the Reps employed in the Central Atlantic Division. Thus, the petitioned-for Reps and the excluded Reps working in the Central Atlantic Division have some regular contact with each other. The record further reflects that Reps nationwide have some contact, as they participate in monthly staff meetings, "open mic" calls, and "best practice calls," during which they are encouraged to share challenges and solutions with one another.

The Reps testified that when coverage is needed for Davis' team, Reps supervised by Davis cover the job duties of those who are absent. However, the record does not indicate the frequency with which this occurs. In addition, there was some evidence of employee interchange across regions and divisions. The record reflects that during an approximate four-month period in 2019, the Ohio North Rep 1 from Toledo and an Ohio South Rep carried out Rep duties in Michigan and Indiana, which are outside of their region and division. In addition, there are currently two instances of ongoing volunteer sharing across divisions with Reps on Supervisor Davis' team. Specifically, Manager Roach further testified that the Kentucky Rep shares and coordinates

volunteers with two Reps in Tennessee, which is in a different division, and a Rep in Ohio South shares and coordinates volunteers with an Indiana-based Rep, also in a different division.

Where the employees in the petitioned multifacility unit have substantially more contact and interchange with one another than they have with excluded employees, the factor of employee interchange and functional integration weighs in favor of finding a multifacility unit to be appropriate. *Audio Visual Services*, 370 NLRB slip op. at 3 (citing *Verizon Wireless*, 341 NLRB 483, 485, 490 (2004); *Panera Bread*, 361 NLRB 1236, 1236 fn. 1 (2014)). Conversely, “the Board has generally been disinclined to find a multifacility unit appropriate when the petitioned-for facilities have no more functional interchange with each other than they do with the excluded facilities.” *Audio Visual Services*, 370 NLRB slip op. at 2 (citing *Bashas’, Inc.*, 337 NLRB 710, 711 (2002); *Alamo Rent-A-Car*, 330 NLRB 897, 898 (2000)).

As the evidence does not suggest that the petitioned-for employees have substantially more functional integration or employee interchange with each other than they do with the excluded Reps, I find this factor weighs slightly against finding the alternate unit to be appropriate.

Geographic proximity

As previously discussed, multiple Employer facilities outside of Ohio North, Ohio South, and Kentucky are closer than the 351 miles from Cleveland to Louisville.

Toledo	Detroit	67 miles
Cleveland	Toledo	119 miles
Louisville	Indianapolis, IN	121 miles
Columbus	Huntington, WV	137 miles
Cleveland	Columbus	143 miles
Cleveland	Detroit	173 miles
Columbus	Indianapolis	182 miles
Cleveland	Johnstown, PA	196 miles
Louisville	Huntington, WV	197 miles
Columbus	Louisville	209 miles
Cleveland	Louisville	351 miles

The Board has found that geographic proximity weighs against petitioned-for units when the distances between petitioned-for and excluded facilities are roughly equivalent to the distances between some of the petitioned-for facilities, thus rendering the exclusions somewhat arbitrary. *Audio Visual Services*, 370 NLRB slip op. at 3 (citing *Bashas’, Inc.*, 337 NLRB 710, 711 (2002)). Here, the distances between some of the petitioned-for and excluded facilities are actually closer than the distances between some of the petitioned-for facilities. Thus, I find this factor weighs against the appropriateness of the alternate unit.

Bargaining history

There is no bargaining history relevant to the alternate multifacility unit, so this factor is neutral.

Extent of union organization and employee choice

As there is no record evidence of the extent of union organization, I find this factor is neutral.

Whether the petitioned-for unit corresponds to an administrative grouping or division of the employer

While the alternate unit consists of all regions overseen by Supervisor Davis, it does not appear to track the Employer's organizational structure, as a unit drawn on divisional lines would include all Reps in the Central Atlantic Division. Moreover, as noted above, it is not clear if Davis is a statutory supervisor and even assuming she was, the record fails to disclose that she possesses local autonomy. Therefore, I find this factor weighs against finding the alternate unit appropriate.

Conclusion regarding community of interest factors

The evidence does not establish that the Reps in Davis' regions share a community of interest distinct from Reps in excluded regions. As analyzed above, the factors of employees' skills, duties, and working conditions; centralized control of management and supervision; functional integration, including employee interchange; geographic proximity; and whether the unit confirms to an administrative grouping or division weigh against finding that the alternate standalone unit is appropriate.

IV. CONCLUSION

Based on the record and in accordance with the discussions above, I find neither the inclusion of the petitioned-for Reps with the existing unit of Cleveland-based Account Managers, nor, alternatively, the multifacility unit of Reps in Ohio North, Ohio South, and Kentucky to be appropriate.

Based upon the entire record, and as discussed above, I find that:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act,³⁵ and it will effectuate the purposes of the Act to assert jurisdiction in this case.

³⁵ The parties stipulated that The American National Red Cross, is a federally chartered corporation with an office and facility located at 3747 Euclid Avenue; Cleveland, Ohio, where it is engaged in the collection, processing and

3. The Petitioner is a labor organization which claims to represent certain employees of the Employer.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

Because Petitioner has not indicated that it wishes to proceed to an election in an employer-wide unit of Reps, it is hereby ordered that the petition in this matter is dismissed.

RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until 10 business days after a final disposition of the proceeding by the Regional Director. Accordingly, a party is not precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

Pursuant to Section 102.5(c) of the Board's Rules and Regulations, a request for review must be filed by electronically submitting (E-Filing) it through the Agency's web site (www.nlr.gov), unless the party filing the request for review does not have access to the means for filing electronically or filing electronically would impose an undue burden. To E-File the request for review, go to www.nlr.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.

Dated: July 16, 2021.



Jennifer A. Hadsall, Acting Regional Director
National Labor Relations Board, Region 8
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distribution of blood and blood-related materials. During the preceding twelve months, a representative period, the Employer, in conducting its business operations described above, derived gross revenues in excess of \$250,000 and purchased and received products valued in excess of \$50,000 directly from points located outside the State of Ohio.